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UNCLAS SECTION 01 OF 02 MUSCAT 000836

SIPDIS

SENSITIVE

E.O. 12958: N/A

TAGS: PHUM KWMN SOCI MU

SUBJECT: OMAN RATIFIES WOMEN'S RIGHTS CONVENTION

REF: MUSCAT 761

Summary

11. (SBU) A royal decree May 7 ratified Oman's joining the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), but with four reservations on Convention articles deemed potentially contrary to Omani legislation, and a catch-all reservation against anything that might contravene Sharia law. Oman reserves the right to determine nationality based solely on the father's citizenship, to restrict freedom of movement and residency as it deems necessary, to prohibit adoption, and to refrain from dispute arbitration in the International Court of Justice. Curiously, Omani women already enjoy freedom of movement and residency. The UK Mission in New York reportedly plans to lodge an objection to the blanket reservation on Sharia. End summary.

CEDAW Ratified with Several Reservations

12. (SBU) The Omani government announced May 7 that Sultan Qaboos issued a royal decree ratifying Oman's joining the 1979 UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Per reftel, however, Oman's ratification included four broad reservations intended to protect the Sultanate from any provision of the agreement it deems "not in accordance with Islamic Sharia or other legislation applied in the Sultanate." These reservations were published in the government's Official Gazette on May 16. According to the UK Embassy, the British will lodge a formal objection to the blanket reservation on Sharia grounds in New York, as they have in cases involving similar reservations by other countries. The UK Embassy is not certain, however, whether Britain will challenge any of the other Omani reservations, summarized below.

Nationality

13. (U) Article 9, paragraph 2: "States Parties shall grant women equal rights with men with respect to the nationality of their children." This text contradicts Oman's Basic Law that states that nationality can only be passed via the father. If an Omani woman marries a non-national, her children will not be granted Omani citizenship.

Freedom of Movement

14. (U) Article 15, paragraph 4: "States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile." Although the Omani government issued a reservation on this Article, there currently is no law restricting freedom of movement in Oman. Omani men and women enjoy equal rights with regards to freedom of movement and may travel abroad or choose their residence without permission.

Adoption

15. (U) Article 16, paragraphs A, C, and F: "Men and women shall have the same right to enter into marriage; the same rights and responsibilities during marriage and at its dissolution; and the same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation." Adoption is forbidden in Oman's interpretation of Islam and is illegal in the Sultanate.

Arbitration

16. (U) Article 29, paragraph A: "The Sultanate is not bound

by the obligations in paragraph A of Article 29, which relates to arbitration and the need to refer a dispute between two countries or more to the International Court of Justice if it is not settled through negotiations."

Comment

17. (SBU) These four reservations are very similar to those attached to its 1996 ratification of the Convention on the Rights of the Child (CRC), and perhaps have not been updated since that time. They may be intended to assure Omani citizens as well as the international community that the government is preserving traditional values and principles of Sharia law. Despite the four reservations, the Ministry of Social Development (MOSD) has previously indicated that other portions of the Convention will necessitate changes to Omani law and regulations, suggesting that Oman is willing (at least in some areas) to adapt to the international standards reflected in the CEDAW.

BALTIMORE